



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

September 13, 1993

Ms. Nancy Footer
Associate University Counsel
University of Houston System
Office of University Counsel
1600 Smith, Suite 3400
Houston, Texas 77002

OR93-561

Dear Ms. Footer:

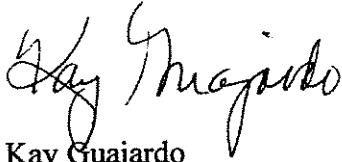
You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code, formerly V.T.C.S. article 6252-17a. Your request was assigned ID# 21316.

The University of Houston-Downtown ("the university") received a request for "all teacher evaluations and grade summaries broken [down] by class and professor for the Fall 1992 and Spring 1993 semesters." You inform us that the requestor clarified that he seeks access to student evaluations of the faculty and grade summaries for all courses. You say that the university has provided access to the computer summary of the objective portion of the student evaluations of the faculty and the grade summaries, but that the anonymous handwritten faculty evaluations by the students are excepted from required public disclosure pursuant to sections 3(a)(2) and 3(a)(14) of V.T.C.S. 6252-17a, now sections 552.102 and 552.114 of the Government Code.

Section 552.114 of the Government Code excepts from required public disclosure "information in a student record at an educational institution funded wholly or partly by state revenue." The exception applies to handwritten student evaluations of faculty members. Attorney General Opinion JM-36 (1983) (construing section 3(a)(14) of V.T.C.S. article 6252-17). This is so even when such evaluations are anonymously written; recognition of a student's handwriting or writing style may lead to the identification of the student who wrote the evaluation. *See id.* at 1. Accordingly, you may withhold the handwritten portions of the student evaluations based on section 552.114 of the Open Records Act.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please contact this office.

Yours very truly,

A handwritten signature in black ink, appearing to read "Kay Guajardo". The signature is fluid and cursive, with the first name "Kay" and last name "Guajardo" clearly distinguishable.

Kay Guajardo
Assistant Attorney General
Open Government Section

KHG/rho

Ref.: ID# 21316

cc: Mr. Jerry Tumlinson
The Dateline
One Main Street
Suite 260-South
Houston, Texas 77002
(w/o enclosures)